INFORMATION LETTER

Not for Publication NATIONAL CANNERS ASSOCIATION For Members Only

No. 583

Washington, D. C.

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Treasury Issues Ruling on Keeping of Records for Federal Social Security Tax

The regulation of the Bureau of Internal Revenue prescribing Federal requirements as to payroll and employment records for the purposes of the Social Security tax, which was announced in the Information Letter of December 14, 1935, has now been issued.

This regulation is in the form of a Treasury Decision (T. D. 4616) relating to the records to be maintained for the purpose of the excise tax imposed by Title IX of the Federal Social Security Act. This tax on employers of eight or more begins January 1, 1936. The regulation just issued does not concern the keeping of records required under State laws.

The text of the regulation, paragraph by paragraph, with explanatory comments, follows (italies have been supplied):

"Art. 2. (a) Every person subject to tax under the Act, shall, during the calendar year 1936 or any calendar year thereafter, for each such calendar year, keep such permanent records as are necessary to establish:

"(1) The total amount of remuneration payable to his employees in cash or in a medium other than cash, showing separately, (a) total remuneration payable with respect to services excepted by section 907 (c), (b) total remuneration payable with respect to services performed outside of the United States, (c) total remuneration payable with respect to all other services."

It should be noted that the total payroll is to be stated and segregated into three kinds of payments. The first of these under subsection (a) relates to wages paid to (1) agricultural labor (which has not yet been officially defined); (2) a spouse, father, mother, or one's own minor children; (3) domestic servants in a private home; (4) crews on vessels. These exempted classes were discussed in the Information Letters of November 9th and December 14th.

"(2) The amount of contributions with respect to employment during the calendar year paid by him into any State unemployment fund, showing separately, (a) payments made and not deducted (or deductible) from the remunera-

tion of employees, (b) payments made and deducted (or deductible) from the remuneration of employees, (c) payments made with respect to services excepted by section 907 (c)."

Under section 902 of the Federal statute the employer may credit against the Federal tax up to 90 per cent of amounts paid or credited under State employment insurance statutes. Under subsection (b) of this subparagraph of the Treasury Decision, payments made to State unemployment funds for the account of an employee, which payments either have been or may be deducted from such employee's wages, must be shown separately. Since these payments for the account of the employees are deducted from their wages, the employer cannot credit them against his Federal tax payment. Subsection (c) in this subparagraph requires some explanation. The credit which the employer may take against the Federal tax for amounts which he has paid to a State unemployment fund is limited to amounts which he has paid on employment subject to the Federal statute. It sometimes happens that a group of employees exempted from the Federal tax is nevertheless subject to taxation under the State statute. For example, the State of Washington statute does not appear to exempt agricultural labor, which is exempted under the Federal Act. Consequently, even though a canner should pay taxes to the State of Washington on account of his agricultural labor payroll, he would not be able to credit such amounts against the Federal tax because the Federal tax would not include that class of labor. Accordingly, subsection (c) requires the employer to segregate State contributions made on account of any class of employees subject to the State but not to the Federal tax.

"(3) Such other information as will enable the Commissioner to determine whether such person is subject to the tax, and if subject to the tax, the amount thereof."

Since the determination whether a canner is subject to the Federal tax is dependent upon the number and kind of employees he regularly employs, it is necessary that he keep an elaborate enough record to demonstrate any claimed exemption. The necessity for and method of recording such information was discussed in the Information Letter of December 14th.

"(b) No particular method of accounting or form of record is prescribed. Each person may adopt such records and such methods of accounting as may best meet the requirements of his own business, provided that they clearly and accurately show the information required above, and enable him to make a proper return on the prescribed form. "(c) Records are not required to show the number of individuals employed on any day, but must show the total amount of remuneration actually paid during each calendar month and the number of individuals employed during each calendar month or during each such lesser period as the employer may elect."

As announced in the Information Letter of December 14th, the Association is preparing and will have available for inspection and comment at the National Convention a series of sample payroll and employment forms. These are being prepared with particular reference to the needs of the canning industry and with the hope that the information specified will enable every canner to satisfy both Federal and State reports. Attention is called to the fact that the regulation quoted above does not require any particular method. Consequently, there is no need for purchasing elaborate payroll forms at this time.

Subsection (c) which does not require daily employment records is not, as noted above, controlling for State taxes. Whether the filing of records for the reports will necessitate daily records is now being determined and the payroll form prepared by the Association, it is hoped, will be so adapted as to enable the canner to comply not only with this Federal regulation, but with State regulations.

"(d) Any person who employs individuals during any calendar year but who considers that he is not an employer subject to the tax " " should be prepared to establish by proper records (including, where necessary, records of the number of persons employed each day) that he is not an employer subject to the tax."

This section is substantially the same as subparagraph (3) above and canners are again referred to the Information Letter of December 14th. It is contemplated at the present time that the payroll record forms to be suggested by the Association at the convention will specify sufficient information to enable canners to determine whether they are or are not subject to the Federal tax. In addition, a representative of the Association will be on hand to answer any individual inquiries concerning any particular canner's classification of employees.

"Art. 3. All records required by these regulations shall be kept safe and readily accessible at the principal place of business of the person required to keep such records, or at such other place or places as the Commissioner, upon written application by the person concerned, may approve. Such records shall at all times be open for inspection by internal revenue officers, and shall be preserved for a period of at least four years from the due date of the tax for the calendar year to which they relate."

The application of this requirement to seasonal workers is at present the subject of study. It is hoped that a simple system will be devised whereby duplicating of records can be avoided and the actual time of piece work cards of the employees constitute both the daily working and permanent record.

The services of the Association are available for the answering of any inquiries in connection with these taxes. It is recommended, however, that in so far as possible such inquiries be noted and kept for discussion at the convention.

N.R.A. Officially Terminated January 1st

The National Recovery Administration was officially terminated by an Executive Order issued by President Roosevelt on December 21st, the order to become effective January 1st.

The Division of Review, Division of Business Cooperation and the Advisory Council are transferred to the Department of Commerce, and the Consumers' Division to the Department of Labor. The functions and duties of the agencies transferred to the Department of Commerce will end on April 1, 1936. The Consumers' Division work is expected to continue to June 30th under the National Emergency Appropriation Act.

The text of the Order is, in part, as follows:

- The National Recovery Administration and the office of Administrator thereof are hereby terminated.
- 2. The Division of Review, the Division of Business Cooperation, and the Advisory Council, as constituted by Executive Order No. 7075 of June 15, 1935, together with all of their officers and employees, files, records, equipment, and property of every kind, are hereby transferred to the Department of Commerce. The Secretary of Commerce is authorized and directed, under the general direction of the President, to appoint, employ, discharge, and fix the compensation and define the duties and direct the conduct of all officers and employees engaged in the administration of the agencies transferred by this Order to the Department of Commerce, to exercise and perform in connection with the said agencies the functions and duties now exercised and performed, or authorized to be exercised and performed, by the National Recovery Administration, to report to the President on all matters relating thereto, and to terminate the functions and duties of the said agencies not later than April 1, 1936.
- 3. The Consumers' Division, established within the National Recovery Administration by Executive Order No. 7120 of July 30, 1935, together with all of its officers and employees, files, records, equipment, and property of every kind, are hereby transferred to the Department of Labor. The Secretary of Labor is authorized and directed, under the general direction of the President, to appoint, employ, discharge, and fix the compensation and define the duties and direct the conduct of all officers and employees as may be engaged in the administration of the said Consumers' Division, to exercise and perform in connection with said Consumers' Division the functions and duties now exercised and performed, or authorized to be exercised and performed, by the National Re-

covery Administration, and to report to the President on all matters relating thereto.

4. No person transferred by this Order shall by such transfer acquire a civil service status. Any new appointments under this Order may be made without regard to the Civil Service Rules and Regulations.

It will be recalled that the Business Advisory Council of the Department of Commerce on December 4th adopted a resolution recommending that the personnel and functions of the skeletonized N.R.A. be transferred to the Department of Commerce.

The office of Coordinator for Industrial Cooperation, headed by Major Berry, is not part of the National Recovery Administration. Major Berry, as announced in last week's Information Letter, has called for January 6th a meeting of the Council for Industrial Progress, which is being organized as the result of the conference held in Washington on December 9th.

Trade Agreement with the Netherlands

The trade agreement between the United States and the Netherlands, signed on December 20th, makes no reduction in the rates of duty on canned foods imported into the Netherlands and Netherlands Indies from the United States. It does, however, bind existing duties and charges for the term of the agreement, thus ensuring no increase over present rates.

The rates and charges on canned foods and related items imported from the United States into the Netherlands, which are bound for the period of the agreement, are as follows:

	Duty ad val	Monopoly fee per net kilo
carried stated construction formation.	Per cent	Plorin
Containing 5% or less added sugar-		
For containers of 1.2 kilos or less		0.10
For containers of over 1.2 kilos but not over 5 kilos Containing more than 5% added sugar—	. 15	.05
For containers of 1.2 kilos or less	. 30	.05
For containers of over 1.2 kilos but not over 5 kilos	. 15	.05
Canned pineapple:		
For containers of 1.2 kilos or less	. 30	.075
For containers of over 1.2 kilos but not over 5 kilos	. 15	.075
Note,—Freedom to change the sugar duty and the crisi sugar tax is retained by the Netherlands.		
Canned asparagus:		
For containers of 1.2 kilos or less	. 30	.15
For containers of over 1.2 kilos but not over 5 kilos	. 15	.10
For containers of over 5 kilos	. 10	.10
Dried prunes	. 12	.02
Raisine	. 12	.01 a

a In bales, the fee is per gross kilo; in others, net.

Concessions by the United States include reductions of rates on a number of items, among those of interest to canners being:

Garden and field seeds:	Old rate	New rate	Reduction Per cent
Beet, except sugar beet	4¢ per lb.	3¢ per	
Cabbage	12¢ per lb.	6¢ per	
Carrot	4¢ per lb.	3¢ per	
Spinach	le per lb.	%¢ per	lb. 50
Cabbage	2¢ per lb.	1%¢ par	
Sauerkraut	50% ad val	25% ad v	al 50
Split peas	216¢ per lb.	1%¢ per	lb. 50

On imports from the United States into the Netherlands Indies the import duty of 20 per cent ad valorem, plus a surtax of 10 per cent, making a total duty of 30 per cent ad valorem including surtax, is bound for the term of the agreement on salmon, cooked, in tins; fruits in water, sirup, or wine; vegetables, preserved, also asparagus and artichokes, in bottles, glass jars or other airtight containers; dried fruits, n.e.s., except dates or tamarinds.

The agreement binds on the United States free list unground mace, unground nutmegs, unground black and white pepper, and caraway seed imported from the Netherlands.

Pending formal ratification the provisions of the agreement as to rate changes, etc., become effective February 1, 1936. The usual provisions are included as to procedure for terminating and continuing the agreement, which is for a three-year period ending with January 1, 1939.

A "Department of the Consumer" Is Proposed

Legislation proposed for the coming session of Congress provides for the institution of a new Federal department, according to Advertising and Selling. To be known as the Department of the Consumer, the new organization would control the Food and Drug Administration, and would contain several divisions pertinent to consumer interests. The bill was prepared by Oscar Cox, Assistant Corporation Counsel in New York, and is being circulated to members of Consumers' Research. One of the department's purposes would be the direction of a "Division of Advertising Control." No Congressman has yet been approached to present the bill.

Canning Crops Production in 1935

The following statistics on canning crops in 1935 as compared with previous years are from the December report of the U. S. Bureau of Agricultural Economics. They furnish figures for the country as a whole, on the acreage, yield per acre, production, price per ton, and farm value in 1935 and each of the six preceding years.

V		Yield		Price	Farm
Year	Acreage	per acre	Production	per ton	Thous
CABBAGE FOR KRAUT	Acres	Tons	Tons	Dollars	dollar
1929	20,530	8.43	173,000	10.22	1,768
1930		7.61	213,800	7.74	1,654
1931		7.11	136,500	6.03	823
932		9.40	151,900	4.11	624
1933		5.80	95,400	11.21	
1934		8.39			1,069
			215,700	6.35	1,360
PIMIENTOS	10,000	8.11	136,300	5.14	700
1929	9,020	2.15	19,350	36.90	714
1930		1.72	15,340	37.68	578
1931		1.34	9,050	33.15	300
1932		1.72	15,340		
1933		1.34		31.10	477
			7,750	28.26	219
1934		1.65	15,770	29.68	468
1935	13,550	1.53	20,760	31.17	647
BEETS	6,920	5.20	98 000	17.00	40
			36,000	17.39	626
1930		5.21	55,900	15.40	861
1931		6.34	30,100	11.76	354
1932		7.27	21,600	8.56	184
1933		6.14	24,800	9.72	24
1934	6,820	5.88	40,100	10.47	426
1935	7,950	5.82	46,300	10.41	483
ASPARAGUS	42 200	1 80	80.000		
1929		1.58	72,000	81.86	5,894
1930	~ ~ ~ ~ ~ ~ ~	1.62	72,000	80.79	5,817
1931	38,600	1.25	48,200	74.96	3,613
1932		1.00	35,220	51.35	1,809
1933	52,580	1.03	54,160	46.20	2,503
1934	44,920	1.08	48,510	66.50	3,226
1935	50,420	1.13	56,970	75.65	4,316
TOMATOES	808 700		7 F04 F00	***	
1929		4.74	1,534,700	15.25	23,409
1930		4.31	1,757,500	15.05	26,444
1931		3.30	976,400	11.80	11,517
1932		4.28	1,199,300	10.08	12,090
1933		3.86	1,081,300	11.39	12,316
1934	363,260	3.87	1,407,500	12.12	16,902
1935	455,120	3.68	1,673,400	11.65	19,503
GREEN PRAS	080 808		622.010	** **	
1929		.875	203,810	57.82	11,784
1930	0.000	.916	244,470	57.57	14,078
1931		.660	147,400	54.53	8,038
1932		.622	116,930	43.92	5,138
1933	217,430	.630	136,980	42.48	5,819
1934	249,870	.662	165,370	50.09	8,288
1935	312,570	.848	265,000	51.83	13,730
SNAP BEANS					
1929	65,040	1.42	92,300	62.73	5,790
1930		1.15	90,400	62.15	5,618
1931	52,710	1.30	68,700	52.98	3,640
1932		1.40	43,900	37.97	1,667
		1.48	60,200	38.59	2,32
1933					
1933	45,100	1.47	86,100	41.23	2,720

Year	Acreage	Yield per acre	Production	Price per ton	Farm value Thous.
SPINACH	Acres	Tous	Tons	Dollars	dollars
1929	18,170	5.33	96,900	16.76	1,624
1930	9,350	4.11	38,400	14.79	568
1931	7,850	4.42	34,700	12.82	445
1932	5.540	3.70	20,500	12.98	266
1933	10.100	3.52	36,000	12.03	433
1934	15.290	2.70	41,300	11.86	490
1935	16,200	3.25	52,600	12.55	660
SWEET CORN					
1929	359,800	1.96	706,900	13.09	9,254
1930	376,760	1.76	661,400	13.22	8,742
1931	358,030	2.19	785,100	11.06	8,681
1932	165,130	2.34	387.200	7.50	2,904
1933	199.670	1.97	394,300	8.01	3,159
1934	287.630	1.73	498,000	8.46	4,211
1935	399,300	2.14	854,600	9.32	7,961
GREEN LIMA BE.	ANS				
1929	24.570	.300	12,510	85.29	1,067
1930	30,980	.419	12,980	86.59	1,124
1931	28,760	.532	15,310	77.14	1,181
1932	17,880	.542	9,690	55.83	541
1933	16,430	.540	8,860	56.66	502
1934	24.550	.711	17.450	58,57	1,022
1935	00.000	.571	15.230	62.18	947

Approve Prune Diversion Program

A program to divert sub-standard prunes from normal channels of trade to other uses as a means of improving returns to growers and encouraging domestic consumption and exports, will be carried out under an agreement between the industry-organized Pacific Prune Products Association and the Secretary of Agriculture. The program is to extend to the end of the present fiscal year, June 30, 1936. Approximately 20,000 to 25,000 tons of sub-standard prunes are available from the 1934 and 1935 crops.

Under the plan, the association will purchase sub-standard prunes from the 1934 and 1935 crops, to be diverted into byproduct channels for domestic and export use other than in the normal channels of trade for packed prunes. The purchases are to be made on the basis of a schedule of minimum prices to be approved by the Secretary of Agriculture.

Funds for the purchases are to be advanced to the association by the Reconstruction Finance Corporation. Prunes bought by the association will be offered for sale under the terms of a standard sales contract and at prices not below an approved schedule.

Under the agreement between the Secretary of Agriculture and the association, a payment will be made to the association equivalent to the difference between the amount which it receives from sales, and the cost of the prunes to the association, including the original purchase price, accrued charges for storage, insurance, transportation, maceration, and other incidental handling charges, but not including administrative costs.

Operation of the diversion program is made possible under the provisions of Section 32 of the recent amendments to the Agricultural Adjustment Act. This section makes available 30 per cent of the gross receipts from customs duties for uses which include encouraging exports of agricultural products and increasing domestic consumption of farm products by diverting them from normal trade channels.

The proceeds from the sale of the sub-standard prunes and the payments received from the Secretary of Agriculture are to be used by the association to repay advances made by the Reconstruction Finance Corporation. The cost of administering the program is to be borne by the industry through a deduction of \$1 per ton from the purchase price of each ton of sub-standard prunes bought.

An Aid in Educating Retailers' Salesmen

One effect of the work of the Association's Home Economics Division is to increase the number of requests for information, not only from home economics workers but also from the trade field. A letter recently received by the Division said: "I am a grocery clerk who would like to learn more about his business. The people for whom I work don't know much more than I do now, which is very little. Do you have any educational matter about what goes into cans, the sizes, etc.? I would appreciate your advice and assistance greatly."

By placing the Association's educational leaflets in the hands of grocers and their clerks, the Home Economics Division is reaching a class that can do much to increase the confidence of the public in the industry's products.

Bulletin on Crude Oil Pollution Available

Reference was made in the Information Letter of June 15th to a report to be made by the U. S. Bureau of Fisheries on the effects of crude oil pollution on oysters in the Louisiana waters. This report has now been issued as Bulletin No. 18 of the Bureau of Fisheries, and is available from the superintendent of documents at Washington at 20 cents per copy. It is an illustrative pamphlet of sixty some pages, and contains a bibliography as well as a detailed report of the Bureau of Investigations.

Pickled Olive Supply in Seville

The combined quantity of Queen and Manzanilla olives pickled from the 1935 crop in the Seville district of Spain is estimated at 32,500 short tons, compared with 32,200 tons in 1934, and a six-year average of 34,800 tons, according to the American agricultural attache at Paris. While the total quantity pickled this season is approximately equal to that of last season, the proportion of small sizes in both Queens and Manzanillas is abnormally large, as the Seville district did not receive sufficient rain in 1935 for proper development of the fruit. Aside from sizes being small, the quality of both Queens and Manzanillas is generally good.

Business Census Starts January 2nd

Enumeration will begin January 2nd in the new business census which will be conducted by the Department of Commerce and which will cover 3,500,000 establishments.

The specific fields falling within the scope of this census are: Retail trade; wholesale trade; insurance (carriers, agents and brokers); real estate—agents and brokers; construction; banking, finance; business services; broadcasting; advertising agencies; hotels; amusements; distribution of manufacturers' sales (channels of primary distribution); trucking, warehousing; bus transportation; operation of non-residential buildings.

With the exception of retail and wholesale trade, construction, hotels, amusements, distribution of manufacturing plants, and certain service establishments, none of these fields have been previously covered by a census.

Fifteen main schedule forms will be used in the census. With but few minor exceptions, all will carry the following standard inquiries in addition to numerous specific inquiries pertaining to each business field:

- Description of establishment—location, legal form of organization, race of owner, etc.
- Kind of business—usual trade designation and main lines carried.
- 3. Type of operation—independent, chain, consumer cooperative, wholesale merchant, exporter, manufacturer's agent, etc.
 - 4. Volume of business for 1935.
 - 5. Proprietors and firm members.
- 6. Paid employees and payroll—full and part time for a sample week ending October 26, 1935; total payroll for year; and total employees as of the 15th of each month. This will make possible a

fairly accurate basis for computing average weekly wages, both full and part time.

7. Operating expenses, including payroll for the year.

The manufacturer's distribution report, which is being taken through the cooperation of the census of manufacturers, provides for distribution of sales by channels to own organizations (other plants, wholesale outlets, and retail outlets); to other concerns (industrial users, wholesalers and retailers); to household consumers; number and payroll of employees engaged in distribution activities; and distribution expense, other than payroll.

Production and Stocks of Canned Milk

Manufacturers' stocks (case goods, Dec. 1):	1935 Pounds	1934 Pounds	Change Per Cent
Evaporated (36 firms)		200,389,212 11,236,161	-54.51 + 4.10
Total production, November: Evaporated (36 firms)	86.219,422	99,403,032	- 13.26
Condensed (7 firms)	3,602,409	4,551,382	-20.85

Fruit and Vegetable Market Competition

CABLOT SHIPMENTS AS REPORTED BY THE BUREAU OF AGRICULTURAL ECONOMICS.

DEPARTMENT OF AGRICULTURE

Commodity		ending	Week ending Dec. 14	Total for	
	1934	1935	1935	1934 .	1935
Vegetables:					
Beans, snap and lima	32	70	128	11.401	14,630
Tomatoes	312	228	315	25,466	23,976
Green peas	47	68	177	7.853	6.943
Spinach	219	375	263	940	1,340
All other vegetables:					
Domestic-					
Competing directly	3,769	3.058	3,994	131,797	92,772
Imports—					
Competing directly	10	28	****	22	63
Competing indirectly	32	52	61	567	833
Fruits:					
Citrus, domestic	2.945	3.296	3.877	29,404	25,022
Imports	4	9	15	259	385
Others, domestic	87	143	216	52,205	49,708

New Red Raspberry Introduced

A new red raspberry, named the Taylor, was introduced last fall by the New York State Fruit Testing Association. It was developed by Professor G. L. Slate, small fruit specialist at the New York Agricultural Experiment Station at Geneva, and is the result of a cross made in 1925 between Newman and Lloyd George, varieties which were imported from England.

According to Professor Slate, growers and others who have seen it consider the variety to be of more than average merit, and it is the best late variety on trial at the station. The berries are very large, he states, being rather larger than Latham and slightly smaller than Newburgh. The color is a bright attractive medium red and the complete lack of crumbling makes it a good shipper. The flavor is subacid and the quality good, being nearly equal to Cuthbert.

Frost Damage in Florida

According to a report from the representative of the Bureau of Agricultural Economics in Florida, vegetable crops in that state were damaged by frost on Saturday, December 21st, as follows: Snap beans in Broward county 40 per cent; damage in Everglades section 300 to 400 acres lost but both sections replanting immediately. Small acreage of eggplant in Manatee section probably damaged 70 per cent; in Hardee county all eggplant reported killed, but in Lee county the damage was slight. Peppers in Hardee county all reported killed; in Manatee section damage about 50 per cent; in Broward county only slight damage. Tomatoes in Vero and Fort Pierce sections damaged 10 to 15 per cent; in Manatee county reports of damage vary from 30 to 75 per cent but harvest about over; Collier damage about 30 per cent in area around Immokalee but no damage to planting at Deep Lake or Trail. Green peas in Everglades only slightly damaged by frost, with some bloom lost and pods spotted. Strawberries lost some early blossoms in Hardee and Hillsboro countries, which will delay picking a few days.

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